

TOWN OF LYNDON  
SELECTBOARD MEETING

June 15, 2015

5:30 PM

Selectboard

Martha "Marty" Feltus  
Kermit Fisher  
Dan Daley (conference call)

Press

Public

Justin Smith, Steve Gray  
Jack Harris, Brandon Carpenter,  
Kaela Gray, Pauline Harris, Jane Rooney,  
Claudio Ardizzola, Karen Kenny, Cindy Cady,  
Dan LeCour, Elijah Buss

1. Approval of minutes:

Motion made by Marty Feltus, seconded by Dan Daley, to approve the June 4, 2015 minutes. Motion carried 3 to 0.

Motion made by Marty Feltus, seconded by Kermit Fisher, to approve the June 10, 2015 minutes. Motion carried 2-0-1 with Dan Daley abstaining.

2. Approval & Signing of Orders drawn on the Treasurer:

The Board approved and signed the orders drawn on the Treasurer for weeks #24 &25.

3. Highway Report:

At 46% through the year, payroll is 49% spent and the entire budget is 45% expended.

4. Development Review Board (DRB) Candidate:

Brandon Carpenter came into interview for the opening on the DRB. Brandon felt his job experience in dealing with the public at the local, State, and Federal level would provide him with skills that would qualify him as a good candidate to serve on the DRB. He added that his land use planning experience, his job with USDA, and his knowledge of Lyndon, as a life-long resident would all serve him well on the Board. Marty Feltus made a motion to appoint Brandon Carpenter as a member of the DRB, Dan Daley seconded and the motion carried 3-0.

5. Solid Waste Ordinance:

Justin Smith began by explaining that several people had asked questions concerning whether or not a single family resident could use waste service provider other than the one franchised by the Town. Additionally there were several requests asking for the sanitation fee to be waived for those who are choosing to use other recycling and trash service providers. Mr. Smith noted that Pauline Harris was present and had expressed an interest in using a company that provided zero sort recycling along with curbside trash service for her single family residence. Pauline Harris stated that her number one reason for making the request was convenience, she did not want to sort recycling and she did not want to keep separate bins for the different recycled items. Mrs. Harris also asked why single family residences were not offered the same opt out administrative fee structure as apartments. In reviewing the ordinance it was decided that a franchise had been granted to Mr. Earley based on price alone and since the ordinance did not specifically say that a single family resident could not choose a different trash company it was okay to do so without a risk of being in violation. The issue of waiving the sanitation fee was taken under advisement but was not acted on.

6. Curbside Recycling Update:

Mr. Dan LeCour was present from TDL Waste Services to provide an update on how recycling was going. Mr. LeCour provided a map of the recycling routes as some small changes to the route had taken place over several years and the map had not been updated to accurately depict those changes. Mr.

LeCour noted that there had been some issues with the routes. He was in hopes that most of them had been worked out. He noted that the routes are taking a little longer as he has stopped and talked to many users of the system both old and new to recycling. He noted that by talking with them the first few trips and offering advice and suggestions, they hopefully will become better recyclers. Mr. LeCour noted that he had added a route for apartments and there were very few properties that had their recyclables out. He said he would try this extra route one more time and if more apartments did not use the service he would just absorb the few that were participating into the regular days for the given area.

7. Dog Complaint:

Justin Smith explained that Karen Kenny had submitted a formal complaint against "AJAX" a German Shepard owned by Claudio Ardizzola and Jane Rooney. The letter discusses two incidents with the dog. In a June 1, 2015 incident Ms. Kenny was walking her Chocolate Lab along Fernwood Drive and the German Shepard charged from an open door. Ms. Kenny screamed in an attempt to get the attention of the neighbor and only after her dog was bit did Mr. Ardizzola come out and call off his dog with a voice command. The result of the attack was 3 puncture wounds to the Chocolate Lab. Ms. Kenny spoke with Cindy Cady but chose not to issue a formal complaint at that time.

On June 10<sup>th</sup>, 2015 AJAX once again charged Ms. Kenny and her dog while they were returning from a walk. Ms. Kenny had brought a can of bear mace with her for protection. The dog continued to circle after being hit with mace twice. Only after the third shot of mace directly to the snout and eyes did the dog retreat. During the entire event Ms. Kenny was screaming, but no neighbors came.

The Animal Control Officer, Cindy Cady stated that she also lives in the neighborhood and she has not walked down the road in 3 years. Her opinion was that the dog needs to be restrained at all times; including the walk from the house to the garage where Mr. Ardizzola brings the dog while he tinkers on equipment. Jane Rooney spoke on behalf of herself and Mr. Ardizzola. She stated she was unaware of a second incident. She stated that the dog is kept behind a gate (that was described as an infant gate) or is in the garage with Mr. Ardizzola. Ms. Kenny said both time she has had issues with the dog it was either in the neighbor's car with the door open or lying down outside the car. On June 10<sup>th</sup> the door to the building closest to the road was also wide open. Jack Harris who delivered the letter requesting that the dog owners appear at the Selectboard meeting described the fence as inadequate to restrain a German Shepard. The Selectboard decided that the dog needed to be restrained at all times while outside. When the dog is in the garage the dog must be restrained (leashed) to something that will prohibit the dog from leaving the space. The gate for the mudroom must be substantially reinforced and constructed so that the dog cannot leap over it or the dog must be restrained on a leash so that the dog cannot exit the space. Marty Feltus made a motion to include these conditions and gave the owners of the dog one week to complete the necessary changes. Chief Harris will conduct a site visit to make sure the proper fixes have taken place and report to the Selectboard. Dan Daley seconded, and the motion carried 3-0.

8. Excess Weight Permits:

Motion made by Marty Feltus, seconded by Dan Daley, to approve the Single Fleet Excess Weight Permit for Warren Hill, with Justin Smith, Municipal Administrator, to sign on behalf of the Board. Motion carried 3 to 0.

9. Letter of Understanding:

Marty Feltus made a motion for Justin Smith to sign the letter of understanding (which includes a \$1,000.00 retainer) with Mark Stewart to complete Phases 1 & 2 of the Architectural proposal submitted by Mark Stewart. Dan Daley seconded and the motion carried 3-0.

10. Alan Brink, Jr. Zoning Violation:

Marty Feltus made a motion for Mr. Brink's fine to be set at a rate of \$100.00 per day starting on June 5, 2015 until the pool is removed from the property or a permit has been approved and the certificate of occupancy for the permit has been signed after having met the requirements of the approved permit,

seconded by Dan Daley and the motion carried 3-0. This fine is in addition to the \$10 per day from January 15, 2015 through May 1, 2015 that was imposed by the Board on February 9, 2015.

11. Dispatching:

Marty Feltus noted that she had received correspondence from Captain Patch from the Vermont State Police indicating that we needed to make a decision on how we wished to dispatch for our Police and Fire services. Greg Hopkins had indicated a desire to Marty, to continue to use the St. Johnsbury dispatch service as he felt they were given more attention and better service. Jack Harris indicated that unless we were willing to go through some fairly significant equipment upgrades and we go to 24 hour full police coverage on our own, the only option available to the police department was to use VSP. Marty Feltus indicated that she would go to the meeting on June 23<sup>rd</sup>, 2015 and state the Town's preferences and also add a comment regarding the incident that took place with Jack and Officer Trucott during the pilot test using the dispatching service out of Williston instead of the Derby Barracks as part of the plan to consolidate the number of dispatching locations.

12. Other:

a. Goats: Justin Smith informed the Board that there was very little that could be done in terms of handling the on-going goat issue on Sand Dollar Drive/Duneway. By Statute the fine is not less than \$2, but not more than \$10 per animal. Mr. Smith stated he informed the Crosby's their best bet would be to take the neighbor to civil court for damages. Mr. Harris added that the Town cannot seize the animals either. Any person that captures a farm animal must feed and water it and keep the animal in the same condition in which it was found.

b. Northeast Kingdom Youth Services requested the ability to hold a Rubber Duck Race in the East Branch of the Passumpsic River during their field day held at the Lyndon Town School lower fields. The Selectboard decided they should come in to discuss their plans for the event and how traffic would be handled with people likely to watch from the Lily Pond Road Bridge.

Meeting adjourned at 7:20 PM

Minutes taken by Justin Smith

Approved by the Selectboard: June 29, 2015